

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EIS, INC.,)
)
Plaintiff,)
)
v.) C.A. No. 19-1227 (LPS)
)
INTIHEALTH GER GMBH,)
WOW TECH USA, LTD.,)
WOW TECH CANADA, LTD. and)
NOVOLUTO GMBH,)
)
Defendants.)

STIPULATION AND ORDER

Whereas, two additional patents have been added to this action; and

Whereas, Defendants have named three foreign entities (EIS GmbH, Triple A Import GmbH and Triple A Marketing GmbH) as additional parties to this action;

It is hereby stipulated by the parties, subject to the approval of the Court, that:

- (1) Plaintiff's counsel has agreed to accept service of Defendants' Answer and Counterclaims for EIS GmbH, Triple A Import GmbH and Triple A Marketing GmbH;
- (2) The time for Plaintiff to respond to Defendants' Answer and Counterclaims is extended until November 12, 2021;
- (3) The time for EIS GmbH, Triple A Import GmbH and Triple A Marketing GmbH to each respond to Defendants' Answer and Counterclaims is extended until December 13, 2021;
- (4) Plaintiff, EIS GmbH, Triple A Import GmbH and Triple A Marketing GmbH reserve all other rights, including whether EIS GmbH, Triple A Import GmbH and Triple A Marketing GmbH are proper parties to this action;
- (5) Defendants reserve all other rights, including whether there should be a separate trial for U.S. Patent Nos. 11,090,220 and 11,103,418 to avoid jury confusion over estoppel applying to some patents and not others;

- (6) Upon entry of this Stipulation and Order by the Court, Defendants withdraw their motion for leave to amend their Answer, Affirmative Defenses and Counterclaims (D.I. 107); and
- (7) The Scheduling Order is revised to provide the following dates:

Event	Current Date	Revised Date
Identification of Accused Products for New Patents		10/22/2021
Production of Core Technical Documents for New Patents		11/22/2021
Initial Infringement Contentions for New Patents		12/22/2021
Initial Invalidity Contentions	10/8/2021	10/8/2021 for '851, '061, and '097 patents; 2/25/2022 for New Patents
Claim Construction Exchange of Terms	10/22/2021	3/11/2022
Joint Claim Construction Chart	11/12/2021	3/23/2022
Plaintiff's Opening Claim Construction Brief	11/23/2021	4/5/2022
Defendants' Answering Claim Construction Brief	12/23/2021	5/5/2022
Interim Status Report	1/7/2022	5/20/2022
Substantial Completion of Document Production	1/14/2022	5/27/2022
Plaintiff's Reply Claim Construction Brief	1/14/2022	5/27/2022
Defendants' Surreply Claim Construction Brief	1/28/2022	6/10/2022
Joint Claim Construction Brief	2/4/2022	6/17/2022
Tech Tutorial	2/4/2022	6/17/2022
Comments on Opposing Party's Tech Tutorial	2/9/2022	6/22/2022
Claim Construction Hearing	2/28/2022	7/11/2022, or at the Court's convenience
Final Infringement Contentions	4/15/2022	8/26/2022
Close of Fact Discovery	4/29/2022	9/9/2022
Final Invalidity Contentions	5/20/2022	9/16/2022

Event	Current Date	Revised Date
Opening Expert Reports	6/15/2022	10/5/2022
Responsive Expert Report	8/1/2022	11/14/2022
Reply Expert Reports	8/22/2022	12/5/2022
Close of Expert Discovery	9/23/2022	1/6/2023
Case Dispositive Motions Opening Briefs	10/7/2022	1/13/2023
Case Dispositive Motions Opposition Briefs	10/28/2022	2/3/2023
Case Dispositive Motions Reply Briefs	11/10/2022	2/16/2023
Case Dispositive Motions Hearing	12/2/2022	3/10/2023, or at the Court's convenience
Status Conference	12/2/2022	3/10/2023
Joint Pretrial Order	1/20/2023	4/28/2023
Pretrial Conference	1/27/2023	5/5/2023, or at the Court's convenience
Beginning of 8-Day Trial	2/6/2023	5/15/2023, or at the Court's convenience

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October 12, 2021

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IT IS SO ORDERED, this ____ day of October, 2021.

The Honorable Leonard P. Stark